either on the merits. The appellee in the present case, who was the defendant below, is the agent of the United States in possession and control of the premises in question, which consist of a tract or lot, and a hospital thereon, established and maintained by the Government, on the so-called Hot Springs Reservation in the State of Arkansas.

I am authorized to say that the Government concurs in this motion.

J. H. McGOWAN,
Attorney for Appellants.

WM. F. VILAS,
BRANCH K. MILLER,
Of Counsel.